

## U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

September 16, 2009

By Facsimile

The Honorable Richard M. Berman  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 650  
New York, New York 10007

**MEMO ENDORSED**

P2

Re: United States v. Aafia Siddiqui  
08 Cr. 826 (RMB)

Dear Judge Berman:

The Government respectfully submits this letter to inform the Court about the status of the parties' ongoing efforts to resolve issues relating to attorney, non-contact visits between the defendant and counsel.

This issue was raised in Point V of the defendant's *omnibus* pretrial motions. As the Government previously informed the Court, it diligently worked with staff at the Metropolitan Detention Center ("MDC") to reach an accommodation that enables the defendant to meet with counsel in a non-contact setting, without having to undergo visual searches. The terms of the MDC's accommodation were promptly communicated to defense counsel, and are set forth in the Government's September 14, 2009 letter to the Court and in its reply memorandum filed yesterday. After being informed of this accommodation, defense counsel informed the Government that it viewed the accommodation as a proposal that raised a number of questions and needed further clarification before it could be accepted.

In accordance with the Court's Order of yesterday, the Government conferred with one of the members of the defense team this morning. The defense team informed the Government that it intended to meet with its client as soon as possible (likely over the weekend), in accordance with the MDC's accommodation. In the event the defense team encounters problems with the MDC's accommodation, it will contact the Government, which will determine whether any remaining issues can be resolved.

Accordingly, both parties submit that Point V of the defense team's *omnibus* pretrial motions does not presently need to be resolved by the Court. The Government's position – as articulated in its reply memorandum of yesterday – is that the MDC's accommodation has rendered the issues raised in Point V moot. While the defense team

The Honorable Richard M. Berman  
September 16, 2009  
Page 2


represented that it does not believe that the issues raised in Point V are moot, they believe Point V of their motion should be held in abeyance, until they have the opportunity to meet with their client in accordance with the MDC's accommodation.

The Government is available to assist the Court in any other way we can.


Respectfully submitted,

PREET BHARARA  
United States Attorney

By:

  
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cc: Crista Colvin, Esq. (MDC attorney) (by email)  
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<p>Please advise the Court of the status of Point V discussions by 9/21/09 (S.P.A.). That should (easily) be enough time to work this out.</p> <p>SO ORDERED: Date: 9/16/09  Richard M. Berman, U.S.D.J.</p>
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